

# **ANNEX A**



August 13, 2020

## INFORMATION MEMORANDUM FOR SECRETARY ROSS

A handwritten signature in cursive script, reading "Peggy E. Gustafson".

**FROM:** Peggy E. Gustafson  
Inspector General

**SUBJECT:** Request for Information and Notice of Interview  
Pursuant to the Inspector General Act of 1978, as  
Amended

The U.S. Census Bureau (the Bureau) is conducting the 2020 Census as constitutionally mandated, and a complete and accurate count is essential. As the Bureau recognizes, its data is used, among other critical ways, “[t]o determine the distribution of Congressional seats to states”, meaning the apportionment of the seats in the U.S. House of Representatives.<sup>1</sup> The data is also utilized “to define legislature districts, school district assignment areas and other important functional areas of government.”<sup>2</sup>

The Office of Inspector General (OIG) has the statutory mission to promote the efficiency and effectiveness of the Department of Commerce's programs and operations.<sup>3</sup> The OIG also endeavors to detect and deter waste, fraud, and abuse.<sup>4</sup> The OIG has stated that one of the Department's top management and performance challenges for fiscal year 2020 is “Conducting an Accurate 2020 Census Enumeration While Realizing Expected Efficiency and Estimated Cost-Effectiveness.”<sup>5</sup> This includes but is not limited to:

- Successfully implementing and integrating all operations and information technology (IT) systems, as well as completing performance and scalability testing in time for the 2020 Census

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<sup>1</sup> U.S. Census Bureau, “What We Do” [online]. <https://www.census.gov/about/what.html> (accessed August 12, 2020).

<sup>2</sup> *Id.*

<sup>3</sup> 5 U.S.C. App. § 2.

<sup>4</sup> *Id.*

<sup>5</sup> U.S. Department of Commerce, Office of Inspector General, October 16, 2019. *Top Management and Performance Challenges Facing the Department of Commerce*, OIG-20-001. Washington, DC: DOC OIG, 1–5. Available at <https://www.oig.doc.gov/Pages/Top-Management-and-Performance-Challenges-Facing-the-Department-of-Commerce-in-FY-2020.aspx> (accessed August 12, 2020).

- Ensuring data quality
- Motivating hard-to-count populations to respond to the decennial census
- Effectively monitoring contracts to validate performance, control cost, and achieve 2020 Census goals.<sup>6</sup>

As part of its oversight of the Bureau's crucial work, the OIG previously requested that the Bureau's Director Steven Dillingham provide the OIG with the following information:

- What contingency plans does the Bureau have in place to fully conduct the 2020 Census during a major health crisis?
- What plans does the Bureau have to address a situation where social distancing measures become widespread—and households become reluctant, or refuse altogether, to engage with enumerators as part of the Nonresponse Followup operation?
- What training, if any, has the Bureau prepared to provide to staff and enumerators during a health crisis, when social distancing is one mitigating measure that households might take?
- What communications, if any, has the Bureau provided staff and enumerators regarding foreseeable challenges in the 2020 Census, given that it will now occur during a major health crisis?
- Will enumerators be provided with personal protective equipment (PPE) for use during enumeration? If so, what specific PPE will they be issued—and have they been, or will they be, trained in the proper use of PPE?<sup>7</sup>

The OIG recognized that the 2020 Census kickoff occurred during “a time of unprecedented turmoil and uncertainty, as the country is responding to an outbreak of respiratory disease caused by a coronavirus known as COVID-19.”<sup>8</sup> Most recently, the OIG requested information about two new political Bureau staff: (1) Nathaniel Cogley, PhD, as the Deputy Director for Policy, and (2) Adam Korzeniewski, as the Senior Advisor to the Deputy Director for Policy.<sup>9</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> DOC OIG, March 12, 2020. *Request for Information Pursuant to the Inspector General Act of 1978, as Amended*, OIG-20-020-M. Washington, DC: DOC OIG. Available at <https://www.oig.doc.gov/OIGPublications/OIG-20-020-M.pdf> (accessed August 12, 2020).

<sup>8</sup> *Id.*

<sup>9</sup> DOC OIG, July 7, 2020. *Request for Information Pursuant to the Inspector General Act of 1978, as Amended*, OIG-20-034-M. Washington, DC: DOC OIG. Available at <https://www.oig.doc.gov/OIGPublications/OIG-20-034-M.pdf> (accessed August 12, 2020).



Further, I have held regular meetings with Bureau Director Dillingham. At the same time, the OIG has received inquiries from Congress raising alarm about recent changes and developments in the timeline of the 2020 Census operations. Media reports have also circulated that “[t]hese last-minute changes to the constitutionally mandated count of every person living in the U.S. threaten the accuracy of population numbers used to determine the distribution of political representation and federal funding for the next decade”<sup>10</sup> and that the “decision to end the decennial count a month earlier than expected will result in a dramatic undercount” of certain populations.<sup>11</sup>

Again, a complete and accurate count from the 2020 Census is required, and we write to you concerning these recent changes, as described below.

On August 3, 2020, the Bureau released a statement from Director Dillingham noting that the Bureau would “accelerate the completion of data collection and apportionment counts” for the 2020 Census.<sup>12</sup> As part of that acceleration, field data collection and self-response options would end by September 30, 2020. Prior to that, due to the COVID-19 pandemic, Director Dillingham and you issued a joint statement on April 13, 2020, declaring that as part of a statutory relief plan, “[t]he Census Bureau would extend the window for field data collection and self-response to October 31, 2020.”<sup>13</sup> In the same statement, you and Director Dillingham also requested a 120-day delay in the deadline set by statute for reporting apportionment and redistricting counts to no later than April 30, 2021, and July 31, 2021, respectively. Prior to any impact caused by COVID-19, field data collection and self-response options were originally scheduled to end on July 31, 2020.

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<sup>10</sup> Hansi Lo Wang, “Census Cuts All Counting Efforts Short by a Month,” *National Public Radio*, August 3, 2020, <https://www.npr.org/2020/08/03/898548910/census-cut-short-a-month-rushes-to-finish-all-counting-efforts-by-sept-30>.

<sup>11</sup> Jose A. Del Real and Fredrick Kunkle, “Abrupt change to census deadline could result in an undercount of Latino and Black communities,” *The Washington Post*, August 9, 2020, [https://www.washingtonpost.com/politics/abrupt-change-to-census-deadline-could-result-in-an-undercount-of-latino-and-black-communities/2020/08/09/1d074eb6-d8b7-11ea-930e-d88518c57dcc\\_story.html](https://www.washingtonpost.com/politics/abrupt-change-to-census-deadline-could-result-in-an-undercount-of-latino-and-black-communities/2020/08/09/1d074eb6-d8b7-11ea-930e-d88518c57dcc_story.html).

<sup>12</sup> U.S. Census Bureau, August 3, 2020. *Statement from U.S. Census Bureau Director Steven Dillingham: Delivering a Complete and Accurate 2020 Census Count*. Washington DC: Census. Available at <https://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html> (accessed August 12, 2020).

<sup>13</sup> U.S. Census Bureau, April 13, 2020. *U.S. Department of Commerce Secretary Wilbur Ross and U.S. Census Bureau Director Steven Dillingham Statement on 2020 Census Operational Adjustments Due to COVID-19*. Washington, DC: Census. Available at <https://2020census.gov/en/news-events/press-releases/statement-covid-19-2020> (accessed August 12, 2020).

***Request for Information:***

To assist the OIG in its oversight responsibilities, please provide all documents or communications, including but not limited to email, instant messages, and text messages:

1. Discussing or referring in any manner to the decision to accelerate the 2020 Census schedule as described in the August 3, 2020 press release.
2. Detailing the persons involved, and their respective involvement, in the decision to accelerate the 2020 Census schedule.
3. Detailing the reasons for the decision to accelerate the 2020 Census schedule.

Please provide all requested documents and communications by close of business Monday, August 17, 2020. You may also produce any additional documentation or information you deem relevant to this request for information.

***Notice of Interview:***

Additionally, the OIG would like to interview you concerning these and other matters relevant to the 2020 Census. Such other matters may include any threats to the integrity of Census information technology systems, and any interactions with the Bureau's or the Department's staff. In recognition of the current pandemic, the OIG will conduct the interview remotely, via video conferencing software. The interview will be recorded. We will reach out to schedule a time for the interview in the near future.

The Inspector General Act of 1978, as amended, guarantees the OIG "timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available" to the Department,<sup>14</sup> and authorizes the Inspector General "to make such investigations and reports relating to the administration of the programs and operations of [the Department] as are, in the judgment of the Inspector General, necessary or desirable[.]"<sup>15</sup> Further, you are obligated to cooperate with this request. Department Organization Order 10-13, § 4.01 states that "[t]he officers and employees of the Department shall cooperate fully with the officials and employees of the OIG and shall provide such information, assistance, and support without delay as is needed for the OIG to properly carry out the provisions of the [Inspector General] Act [of 1978]." While

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<sup>14</sup> 5 U.S.C. App. § 6(a)(1)(A).

<sup>15</sup> *Id.* § 6(a)(2).



you are required to cooperate with the OIG, legal protections prohibit retaliation for cooperation.

If you have any questions or need additional information, please contact me at (202) 482-4661.